

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Claims 8 and 10-13 are pending. Claim 8 is objected to for alleged informalities. Claims 8 and 10 - 13 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 8 and 10 - 13 also stand rejected under 35 U.S.C. § 103(a), as being unpatentable over US 2005/0053861 A1 ("Yoneda et al.") in view of US 4,814,244 ("Koguchi et al.") alone or, as to claim 11, in further view of US 4,954,218 ("Okumura et al.").

Claim 8 is amended to address the objection by deleting "selected from the group" as suggested by the Examiner. As to the indefiniteness rejection, applicants disagree that the limitation to a profile having 'minimal footing' is indefinite. The invention is directed to "address[ing] the footing problem" (Para 0004) and the specification describes the resist profile for numerous formulations and process conditions (see Examples 1 through 6). Examples 4, 5, and 6 describe progressively improved profiles, the best obtained by the process and formulation of Example 6 wherein "[t]he resist footing was minimal and the profile was nearly vertical." As such, applicants believe a person of ordinary skill in the art would understand that 'minimal footing' means an essentially vertical profile. Without conceding to correctness of the §112 rejection, applicants have amended claim 8 to recite a structure "having a vertical profile" rather than "a profile with minimal footing" in order to advance prosecution. As detailed above, these amendments are fully supported by the specification as filed. Further, they do not change the scope of the claims, but merely place the claims in better form for consideration on appeal. Applicants therefore request entry thereof.

Finally as to the 103 rejection of the pending claims, applicants respectfully submit that Yoneda et al. is not available as a reference against the present invention. Accompanying this response is a declaration under 37 C.F.R. § 1.131, swearing that the present invention was conceived of prior to May 30, 2002. Applicants further swear that following conception, applicants diligently and actively assisted in planning, preparing, reviewing and filing the instant application. Therefore, the claimed invention antedates Yoneda et al., whose effective date is Dec. 24, 2003. Accordingly, applicants

respectfully request that the rejection of claims 8 and 10-13 under 35 U.S.C. § 103(a) be withdrawn.

In view of the preceding remarks, applicants respectfully submit that claim 8 is in condition for allowance, and that the dependent claims 10-13 are patentable by virtue of their dependency from a patentable independent claim and the additional features of the invention they define.

CONCLUSION

Applicants request entry of the instant amendments to the claims. Applicants submit that as amended, the claims are patentable and therefore request withdrawal of the present rejections and allowance of claims.

No fees are believed to be due in connection with this paper. However, if there is any such fee due, please charge any such fee to the deposit account No. 09-0458.

Respectfully submitted,

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